

Application No.: 10/611,921
Amdt. Dated: May 6, 2005
Reply to Office Action Dated: February 8, 2005

Attorney Docket No. CMED.10155
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REMARKS

Claims 2-5 are pending in the present application. Claims 2, 3, and 5 have been amended and claim 1 has been cancelled without prejudice to or disclaimer of the subject matter contained therein.

Reexamination of the application and reconsideration of the rejections and objections are respectfully requested in view of the above amendments and the following remarks, which follow the order set forth in the Office Action.

A. Objection to Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter of claim 5 in that the newly defined language of claim 5 does not have antecedent basis in the specification. As stated by the Examiner, "[a]lthough this limitation can be implied from the paragraph bridging pages 8 and 9, this new language of claim 5 should be added to the specification." Office Action mailed February 8, 2005, p.2.

Without acquiescing to the objection, the language from claim 5 has been added to the specification in the paragraph beginning on page 8, line 31. This language from claim 5 is supported by the specification as originally filed, for example, at least by the disclosure at page 8, line 31 to page 9, line 2. Thus, no new matter has been added. In view of the amendment to the specification, Applicants respectfully request that this objection be withdrawn.

B. Claim Rejections-35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,928,611 to Leung. The rejection of claim 1 is moot in view of the cancellation of claim 1. Applicants respectfully traverse the rejection of claim 2.

Claim 2 has been amended to depend from claim 5, which was indicated to be allowable if rewritten in independent form. As claim 2 now depends from claim 5 (which has been rewritten in independent form), claim 2 is now allowable. Applicants respectfully request that the rejection of claim 2 be withdrawn.

C. Claim Rejections-35 U.S.C. § 103

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,928,611 to Leung in view of U.S. Patent No. 6,217,603 to Clark et al. Applicants respectfully traverse the rejection of these claims.

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Claim 3 has been amended to depend from claim 5, which was indicated to be allowable if rewritten in independent form. Claim 4 depends from claim 3. Thus, claims 3 and 4, both ultimately depending from claim 5, are now allowable as claim 5 has been rewritten in independent form. Applicants respectfully request that the rejection of claims 3 and 4 be withdrawn.

D. Claim 5

Claim 5 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As claim 5 has been rewritten in independent form including all of the limitations of the base claim, it is respectfully requested that this objection be withdrawn.

Conclusion

For the foregoing reasons, claims 2-5 are considered allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

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Date of Signing: _____